## REMARKS

Claims 1-13 remain in this application. Claims 1-13 are rejected. Claims 1, 3, 7, 9 and 13 are amended herein to clarify the invention, and to address matters of form unrelated to substantive patentability issues.

Claims 1-13 are rejected as obvious over the Morihira reference in view of the Deleeuw under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

It is respectfully submitted that a *prima facie* case of obviousness has not been established in the rejection of claims 1-13. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." MPEP §706.02(j) "Contents of a 35 U.S.C. §103 Rejection".

It is respectfully submitted that the cited references fail to show the following feature of claim 1 and corresponding features of independent claims 7 and 13:

> a control means for causing the image processing means and the rewriting means to repeatedly operate only a specified number of times each successively increasing the specified reference value and successively increasing a degree of transparency of pixels having distance data equal to or greater than the specified reference value such that pixels having distances further from the simulated camera position appear with greater transparency than pixels having distance closer to the simulated camera position.

It is respectfully submitted that the Examiner either misinterpreted the control means of claim 1 or the cited portion of the Morihira reference. Line 33 of column 2 and lines 37 to 40 on column 7 of Morihira (see bottom two lines on page 2 to line 2 on page 3 of the office action).

Referring to Figs. 7-9 of Morihira, when an object model 41 exists between a hypothetical camera (VC) and an enemy (opponent) character 42, Morihira changes the degree of transparency of the object model 41 depending upon the distance between the hypothetical camera and the object 41. Specifically, the degree of the transparency of the object 41 increases in inverse proportion to the distance between the hypothetical camera position and the object model 41. As shown in the figures, the transparency level of the object model 41 changes according to the distance between the hypothetical camera position and the object model so that transparency is greater closer to the camera when an object is obscuring a view of an enemy character.

In contrast, as illustrated in Figs. 3A-3Cof the present disclosure, in the present invention, assuming a viewpoint of a simulated camera (camera position) is fixed (for only the purpose of explaining the invention), first the semi-transparent image processing is applied to all the objects located at a first distance from a simulated camera viewpoint which is equal to or greater that a specified reference value away from the camera position. Then the control means cause the semi-transparent processing to repeat and effect further semi-transparency processing on those objects that a second further distance away from the camera viewpoint because the specified reference value is successively increased with each repeated operation of the image processing means. The semi-transparent processing is repeatedly performed by a specified number of times by increasing the specified reference value and successively increasing a degree of transparency. Thus, object further from the viewpoint appear more transparent than objects near the viewpoint.

In contrast, in Morihira, when the certain positional relations are met among the three elements, namely a camera position, an object position, and an opponent character's position such that a view from the camera position indicates at least a part of the opponent character is hidden by the object model 41 situated in between the camera position and the opponent character 42, and then the transparency level of the object model 41 increases as the camera position

approaches towards the object model 41. Thus, objects closer to the viewpoint are more transparent than object further from the viewpoint. The way the transparency process is applied to the object in Morihira is clearly different from the way according to this invention in that the shorter the distance, the more transparent the object becomes according to Morihira whereas the shorter the distance, the less transparent the object becomes according to the present invention.

The present invention aims at simulating the effect of the existence of a depth of field about a focusing point in photography by a camera so that objects distant away from the depth of field appear to be blurred. The more the object is distant from "the depth of the field", the more transparent the object becomes. This is the fundamental idea about the present invention which is in no way suggested by the Morihira reference. In contrast, according to Morihira, as the viewpoint (camera position) approaches closer to the object the transparent level of the object increases to show what is behind the object. Thus, an idea of blurring the image of object (increasing the transparency level) that is distant away from the camera position is quite different from the idea of increasing the transparency level of the object that is getting closer to the camera position. In other words, what is trying to achieve in Morihira is simply unrealistic as no object becomes more transparent as the camera approaches thereto in the real world. On the other hand, what is trying to be achieved with the present invention is a simulation of the

photographic image regarding the blurring of the object appearing on the photo that is a distance away from the field of focus.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 1-13 and their allowance are respectfully requested.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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